December 17, 2009

Page 1

McDonald

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

PATRICK CARIOU,

Plaintiff, Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

----x

DEPOSITION OF ALISON MCDONALD

New York, New York

Thursday, December 17, 2009

Reported by: Bryan Nilsen, RPR JOB NO. 305996-A

1	Page 26		Page 28
1	McDonald	1	McDonald
2	said \$80 for a copy of that book?	2	Plaintiff's Exhibit 103 a card stamped
3	A. No.	3	GGP001696A.
4	Q. When the exhibition commenced on	4	(Plaintiff's Exhibit 103, invitation
5	Saturday, November 8th, was there a dinner that	5	GGP001696A, was marked for identification,
6	night at the Gramercy Park Hotel?	6	as of this date.)
7	A. There was a dinner. I don't	7	Q. Ms. McDonald, you've been handed a
8	remember if it was at the Gramercy Park Hotel.	8	document that's been marked as Plaintiff's
9	Q. Did you go?	9	Exhibit 103. Is that the invitation you were
10	A. No.	10	just testifying about a few minutes ago?
11	Q. Do you know how many people went?	11	A. Yes.
12	A. No.	12	Q. There seems to be a blank line there
13	Q. Do you know what the purpose of the	13	to put in somebody's name, is that right?
14	dinner was, if any?	14	A. Yes.
15	A. To celebrate the opening of an	15	Q. Were these invitations mailed out?
16	exhibition.	16	A. I don't know. I imagine, yeah.
17	Q. Did you have anything to do with	17	MS. BART: No, he doesn't want you
18 19	planning the dinner?	18	to guess or imagine.
20	A. We printed a card for the dinner but	19	A. I don't know.
21	not for planning the dinner. Q. Did you play any role at all in	20	Q. Do you know if there was an invitation list?
22	inviting people to come to the dinner?	21	A. I don't know.
23	A. No.	23	Q. Okay, I guess I'll hold on to these.
24	MS. BART: One moment, please.	24	In addition to that invitation that
25	(Discussion off the record.)	25	we just looked at, Exhibit 103, was there an
	<del></del>	23	
_	Page 27		Page 29
1	McDonald	1	McDonald
2	MS. BART: I think the witness wants	2	announcement of the exhibition with a photograph
3	to correct the record.	3	on it, do you know?
4 5	Your question as posed was somewhat	4	A. Yes. MR. BROOKS: Let's mark as
6	vague in that you said did you play any role in the inviting of people, and I	5 6	Plaintiff's Exhibit 104 a document that's
7	think she answered no.	7	been produced and Bates stamped GGP00139A
8	But I think so that the record	8	and 140A front and back.
9	stands corrected I think she was going to	9	(Plaintiff's Exhibit 104, GGP00139A
10	correct her answer.	10	and 140A, was marked for identification,
11			
11 12	A. We printed the invitation.	11	as of this date.)
12	<ul><li>A. We printed the invitation.</li><li>Q. Right. Okay.</li></ul>	11 12	as of this date.) Q. You've been handed Plaintiff's
12 13	<ul><li>A. We printed the invitation.</li><li>Q. Right. Okay.</li><li>When you say we, I mean I think</li></ul>	11 12 13	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is?
12	<ul><li>A. We printed the invitation.</li><li>Q. Right. Okay.</li><li>When you say we, I mean I think</li><li>I asked you if you personally played a role?</li></ul>	11 12 13 14	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes.
12 13 14	<ul><li>A. We printed the invitation.</li><li>Q. Right. Okay.</li><li>When you say we, I mean I think</li></ul>	11 12 13	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us?
12 13 14 15	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation.	11 12 13 14 15	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the
12 13 14 15	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation.	11 12 13 14 15	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition.
12 13 14 15 16	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation. Q. Printed it on what?	11 12 13 14 15 16	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition.
12 13 14 15 16 17	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation. Q. Printed it on what? A. Paper with ink.	11 12 13 14 15 16 17	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition. Q. Do you know if these announcement
12 13 14 15 16 17 18	<ul> <li>A. We printed the invitation.</li> <li>Q. Right. Okay.</li> <li>When you say we, I mean I think</li> <li>I asked you if you personally played a role?</li> <li>A. I printed the card that was sent out for the invitation.</li> <li>Q. Printed it on what?</li> <li>A. Paper with ink.</li> <li>Q. But did you do it in your office on</li> </ul>	11 12 13 14 15 16 17 18	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition. Q. Do you know if these announcement cards were mailed out?
12 13 14 15 16 17 18 19	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation. Q. Printed it on what? A. Paper with ink. Q. But did you do it in your office on a copying machine?	11 12 13 14 15 16 17 18 19 20	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition. Q. Do you know if these announcement cards were mailed out? A. Yes.
12 13 14 15 16 17 18 19 20	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation. Q. Printed it on what? A. Paper with ink. Q. But did you do it in your office on a copying machine? A. No.	11 12 13 14 15 16 17 18 19 20 21	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition. Q. Do you know if these announcement cards were mailed out? A. Yes. Q. Do you know to whom they were mailed
12 13 14 15 16 17 18 19 20 21 22 23	A. We printed the invitation. Q. Right. Okay. When you say we, I mean I think I asked you if you personally played a role? A. I printed the card that was sent out for the invitation. Q. Printed it on what? A. Paper with ink. Q. But did you do it in your office on a copying machine? A. No. Q. How did you print the invitations?	11 12 13 14 15 16 17 18 19 20 21 22	as of this date.) Q. You've been handed Plaintiff's Exhibit 104. Do you know what it is? A. Yes. Q. Can you tell us? A. An announcement card for the exhibition. Q. Do you know if these announcement cards were mailed out? A. Yes. Q. Do you know to whom they were mailed out, I don't mean the names of all the people,

	Page 30		Page 32
1	McDonald	1	McDonald
2	MR. SHERMAN: Objection, form.	2	Q. And if you look at C148 the same
3	Q. You can answer.	3	seems to be true, there's a picture propped up
4	A. Yes.	4	on two cans of paint, right?
5	Q. Can you tell me?	5	MS. BART: Objection, form.
6	A. We have a mailing list of about	6	MR. HAYES: Objection, form.
7	7,500 people.	7	Q. You can answer.
8	Q. So these announcement cards were	8	A. There is a painting on two cans of
9	mailed to people on that list?	9	paint.
10	MS. BART: Objection, form.	10	Q. So you're saying that the photo is
11	Q. You can answer.	11	from a different angle, but is it correct that
12	A. Yes.	12	the image in Exhibit 104 in the announcement is
13	Q. Do you notice on the front of the	13	maybe a different photo of the same painting
14	announcement card an image of a man, do you see	14	that's propped on the two cans in C148?
15	him?	15	A. Yes.
16	A. I see a painting in a studio, yeah.	16	Q. But it's from a different angle?
17	The painting has a man in it, yes.	17	A. Yes.
18	Q. I couldn't hear what you said.	18	Q. Okay. And do you know if the
19	MR. BROOKS: Read it back.	19	painting that's shown on C148 in the insert in
20	(Record read.)	20	the book, do you know if that painting was
21	BY MR. BROOKS:	21	actually exhibited at the Canal Zone exhibition?
22	Q. Why don't you look in that book, the	22	A. I don't know.
23	Canal Zone book, and I think if you look at	23	Q. Could you look at the very first
24	page C00148 perhaps you will find something.	24	painting in the book, you have to go back to the
25	MS. BART: You're going to have to	25	beginning.
	Page 31		Page 33
1	McDonald	1	McDonald
2	give us maybe the page number of the	2	(Witness looks at exhibit.)
3	actual catalog.	3	Q. No, no, not on the cover.
4	MR. BROOKS: It's in the second	4	Number 1, it's called Graduation.
5	insert I think. It's C00148. I think	5	It's on page C95.
6	there's a Post-it there with that number.	6	MS. BART: C96?
7	MS. BART: We're there.	7	Q. Well, 95 says Graduation, right?
8	MR. BROOKS: That is the number,	8	
	_		Correct?
9	okay.	9	A. Yes.
10	BY MR. BROOKS:	9 10	A. Yes. MS. BART: There's no number on
10 11	BY MR. BROOKS:  Q. So you said something about a	9 10 11	A. Yes. MS. BART: There's no number on these.
10 11 12	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're	9 10 11 12	<ul><li>A. Yes.</li><li>MS. BART: There's no number on these.</li><li>Q. Doesn't it say 1, Graduation?</li></ul>
10 11 12 13	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?	9 10 11 12 13	<ul><li>A. Yes.</li><li>MS. BART: There's no number on these.</li><li>Q. Doesn't it say 1, Graduation?</li><li>A. Graduation, yes.</li></ul>
10 11 12 13 14	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.	9 10 11 12 13 14	<ul> <li>A. Yes.</li> <li>MS. BART: There's no number on these.</li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes.</li> <li>MS. BART: But there's no Bates</li> </ul>
10 11 12 13 14 15	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.	9 10 11 12 13 14 15	<ul> <li>A. Yes.</li> <li>MS. BART: There's no number on these.</li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes.</li> <li>MS. BART: But there's no Bates number on it.</li> </ul>
10 11 12 13 14 15 16	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the	9 10 11 12 13 14 15 16	<ul> <li>A. Yes. MS. BART: There's no number on these.</li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes. MS. BART: But there's no Bates number on it.</li> <li>Q. Right. That's C95.</li> </ul>
10 11 12 13 14 15 16 17	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?	9 10 11 12 13 14 15 16 17	<ul> <li>A. Yes. MS. BART: There's no number on these. </li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes. MS. BART: But there's no Bates number on it. </li> <li>Q. Right. That's C95. Now, the next page is a painting </li> </ul>
10 11 12 13 14 15 16 17	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.	9 10 11 12 13 14 15 16 17	<ul> <li>A. Yes.     MS. BART: There's no number on these.</li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes.     MS. BART: But there's no Bates number on it.</li> <li>Q. Right. That's C95.     Now, the next page is a painting called Graduation, correct?</li> </ul>
10 11 12 13 14 15 16 17 18	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.  Q. How do you know that?	9 10 11 12 13 14 15 16 17 18	<ul> <li>A. Yes. <ul> <li>MS. BART: There's no number on these.</li> </ul> </li> <li>Q. Doesn't it say 1, Graduation?</li> <li>A. Graduation, yes. <ul> <li>MS. BART: But there's no Bates number on it.</li> </ul> </li> <li>Q. Right. That's C95. <ul> <li>Now, the next page is a painting</li> </ul> </li> <li>called Graduation, correct? <ul> <li>A. Yes.</li> </ul> </li> </ul>
10 11 12 13 14 15 16 17 18 19 20	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.  Q. How do you know that?  A. It's a different angle.	9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. MS. BART: There's no number on these. Q. Doesn't it say 1, Graduation? A. Graduation, yes. MS. BART: But there's no Bates number on it. Q. Right. That's C95. Now, the next page is a painting called Graduation, correct? A. Yes. Q. Now, absent the paint cans, is that
10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.  Q. How do you know that?  A. It's a different angle.  Q. Okay. But if you look at the	9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. MS. BART: There's no number on these. Q. Doesn't it say 1, Graduation? A. Graduation, yes. MS. BART: But there's no Bates number on it. Q. Right. That's C95. Now, the next page is a painting called Graduation, correct? A. Yes. Q. Now, absent the paint cans, is that painting Graduation the same image that's
10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.  Q. How do you know that?  A. It's a different angle.  Q. Okay. But if you look at the announcement card there's a painting that	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. MS. BART: There's no number on these. Q. Doesn't it say 1, Graduation? A. Graduation, yes. MS. BART: But there's no Bates number on it. Q. Right. That's C95. Now, the next page is a painting called Graduation, correct? A. Yes. Q. Now, absent the paint cans, is that painting Graduation the same image that's depicted on the announcement?
10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture. Q. This is a different picture than the announcement card?  A. Yes. Q. How do you know that? A. It's a different angle. Q. Okay. But if you look at the announcement card there's a painting that appears to be propped up on two cans of paint,	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. MS. BART: There's no number on these. Q. Doesn't it say 1, Graduation? A. Graduation, yes. MS. BART: But there's no Bates number on it. Q. Right. That's C95. Now, the next page is a painting called Graduation, correct? A. Yes. Q. Now, absent the paint cans, is that painting Graduation the same image that's depicted on the announcement? MS. BART: Objection, form.
10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BROOKS:  Q. So you said something about a picture in a studio, is this what you're referring to, the C148?  MS. BART: Objection, form.  A. This is a different picture.  Q. This is a different picture than the announcement card?  A. Yes.  Q. How do you know that?  A. It's a different angle.  Q. Okay. But if you look at the announcement card there's a painting that	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. MS. BART: There's no number on these. Q. Doesn't it say 1, Graduation? A. Graduation, yes. MS. BART: But there's no Bates number on it. Q. Right. That's C95. Now, the next page is a painting called Graduation, correct? A. Yes. Q. Now, absent the paint cans, is that painting Graduation the same image that's depicted on the announcement?

	Page 4	2	Page 4
1	McDonald		
2	one?		McDonald
3	MR. BROOKS: I'm done with that	2	Q. In the New York Times were there two
4	page, yes, but she should keep the book.	3	ads?
5	BY MR. BROOKS:	4	A. I don't remember.
6	Q. Did you ever ask anyone where the	5	Q. Was there an ad just for the Canal
7	images of the Rastafarians that are in many of	6	Zone exhibition in the New York Times?
8	these Canal Zone paintings came from?	- 1	A. I remember it was on a list of other
9	MS. BART: Objection, form.	8	exhibitions the gallery was having in the
10	MR. HAYES: Objection, form.	10	New York Times ad.
11	Q. You can answer.	11	Q. Right. One other, right, a painter
12	A. No.	12	with a Japanese name?  A. I think it was Hiroshi Sugimoto.
13	Q. Did you ever hear anyone explaining	13	<b>9</b> • • •
14	where they came from?	14	Q. To your knowledge did Mr. Gagosian
15	MS. BART: Objection, form.	15	review the ads before they were placed in the newspapers?
16	A. No.	16	A. Yes.
17	Q. Have you ever seen this book, it's	17	Q. That's a yes?
18	called Yes Rasta?	18	A. Yes.
119	A. No.	19	Q. Do you know if Mr. Prince reviewed
20	Q. Okay, you can give it back to me.	20	the ads?
21	Thank you.	21	A. I don't know for sure, no.
22	Were there newspaper advertisements	22	Q. I'm going to hand you a series of
23	for the Canal Zone exhibition?	23	e-mails that have been collectively marked as
24	A. Yes.	24	Plaintiff's Exhibit 45 previously.
25	Q. Do you remember where the	25	The first page of Exhibit 45
	Page 43		
1	McDonald		Page 4
2		$\frac{1}{2}$	McDonald
3	advertisements were placed?  A. The Art Newspaper, Financial Times,	2	GGP001991 talks about an announcement card and
4	and New York Times.	3 4	adverts, and something it says Larry reviewed
5	Q. How about W?	5	the options and wants to run the attached ad,
6	A. The magazine? Yes, W.	6	parenthesis, AF Prince placeholder, closed
7	Q. How about Art Forum, Art in America,	7	parenthesis, in Art Forum, et cetera.
8	and Art and Auction?	8	Do you know what the Prince
9	MS. BART: Objection.	9	placeholder, it's all in capital letters, do you know what that is?
10	A. Yes.	10	A. She's referring to the file name
11	Q. All three?	11	that's attached.
12	A. There were more than did you	12	Q. And is that an image that ran in the
13	say W?	13	advertisements?
14	Q. I just said no, after W I said	14	MS. BART: Objection, form.
15	Art Forum?	15	MR. HAYES: Objection, form.
16	A. Yes.	16	A. That was attached to the e-mail.
17	Q. Were there ads there?	17	I'd have to check.
18	A. One ad, yes.	18	Q. Do you know if the image in the
19	Q. And Art in America, was there an ad	19	advertisements was an image of the same
20	for the Canal Zone exhibition there?	20	Rastafarian who is in the announcement card
21	A. Yes.	21	Exhibit 104?
22	Q. And how about Art and Auction?	22	
23	A. Yes.	23	MR. HAYES: Objection, form. MS. BART: Objection, form.
24	Q. One ad in each of them?	24	And I'd like to, since this doesn't
	Z. OHE WE HE MOH OF MOHE!	1 4 4	And i a like to, since this accent
25	A. Yes.	25	have this witness's name on it, I'd ask

1	Page 4	6	Page 4
1	McDonald	1	McDonald
2	her to see if she's ever seen this before,	2	
3	the exhibit.	3	which is part of that same Exhibit 45.
4	MR. BROOKS: I understand.	4	This is about the advertisement in
5	BY MR. BROOKS:	5	W Magazine?
6	Q. Do you know?	6	A. Yes.
7	A. The same painting was used in the	7	Q. And there you say an image was used,
8	ad.	8	a photo of the same Rastafarian that was in the
9	Q. I know. I'm asking you?	9	announcement card?
10		10	MS. BART: Objection, form.
11	C = Trust Sitely.	11	MR. HAYES: Objection, form.
12	- In this image that	12	C
13	e man and and morropaper ads:	13	and the second s
14		14	· · · · · · · · · · · · · · · · · · ·
15	the man was the man man and the map and the man and th	15	
16	MS. BART: Objection, form.	16	1.10. Di Her. Objection, form.
17		17	
18 19	Q. No picture?	18	A. I don't remember.
20	A. No paintings.	19	Q. Okay. Did Larry Gagosian and
21	Q. So which were the magazine ad or ads?	20	Richard Prince approve the ad in W Magazine?
22		21	MR. HAYES: Objection, form.
23	MS. BART: Objection, form.	22	MS. BART: Join.
24	I don't understand. What do you mean?	23	A. Larry approved. I did not have any
25		24	interaction with Richard Prince for approval.
23	Q. Okay, we'll come back to it.	25	Q. Now, on the next page, which is
	Page 47	·	Page 49
1	McDonald	1	McDonald
2	Look at the second page of	2	GGP002418, it says I told Nicole Larry likes the
3	Exhibit 45, please. Do you see it says but LG	3	Prince ad with just, all capital letters, the
4	wants to make sure the ad is large and very	4	Rasta man, not the one in the studio. For the
5	clear because it has two shows on it, do you see	5	announcements he likes the Rasta man poster on
6	that?	6	two paint cans with no books in the picture.
7	A. Yes.	7	Do you remember seeing a copy of
8	Q. And then below that there's an	8	this e-mail?
a		1 -	
9	e-mail from Nicole Heck October 17th saying	9	A. No.
10	run the attached again in NYT on Friday,	10	<ul><li>A. No.</li><li>Q. Is it correct though that the</li></ul>
10 11	run the attached again in NYT on Friday, October 24th, and then below that it says Prince	10 11	A. No. Q. Is it correct though that the announcement had the picture in the studio on
10 11 12	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does	10 11 12	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books?
10 11 12 13	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday,	10 11 12 13	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books?  MS. BART: Objection, form.
10 11 12 13 14	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.	10 11 12 13 14	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104?
10 11 12 13 14 15	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was	10 11 12 13 14 15	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books?  MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes.
10 11 12 13 14 15	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those	10 11 12 13 14 15 16	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a
10 11 12 13 14 15 16	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?	10 11 12 13 14 15 16 17	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that
10 11 12 13 14 15 16 17	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes.	10 11 12 13 14 15 16 17 18	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right?
10 11 12 13 14 15 16 17 18	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes. Q. And you don't think there were	10 11 12 13 14 15 16 17 18	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books?  MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right?  MS. BART: Objection, form.
10 11 12 13 14 15 16 17 18	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes.  Q. And you don't think there were any images, just printed words in that ad in	10 11 12 13 14 15 16 17 18 19 20	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right? MS. BART: Objection, form. MR. HAYES: Objection, form.
10 11 12 13 14 15 16 17 18 19 20	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes. Q. And you don't think there were any images, just printed words in that ad in The Times?	10 11 12 13 14 15 16 17 18 19 20 21	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right? MS. BART: Objection, form. MR. HAYES: Objection, form. A. It had that same painting in the ad,
10 11 12 13 14 15 16 17 18 19 20 21 22	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes. Q. And you don't think there were any images, just printed words in that ad in The Times?  MS. BART: Objection, form, and	10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right? MS. BART: Objection, form. MR. HAYES: Objection, form. A. It had that same painting in the ad, yes.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes.  Q. And you don't think there were any images, just printed words in that ad in The Times?  MS. BART: Objection, form, and asked and answered.	10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right? MS. BART: Objection, form. MR. HAYES: Objection, form. A. It had that same painting in the ad, yes. Q. Which ad?
10 11 12 13 14 15 16 17 18 19 20 21 22	run the attached again in NYT on Friday, October 24th, and then below that it says Prince and Sugimoto both open the week after that, does he want to run one ad announcing both on Friday, November 7th.  Do you recall whether an ad was taken in the New York Times for both of those shows, Prince and Sugimoto?  A. Yes. Q. And you don't think there were any images, just printed words in that ad in The Times?  MS. BART: Objection, form, and	10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Q. Is it correct though that the announcement had the picture in the studio on the paint can without books? MS. BART: Objection, form. Q. And I'm showing you Exhibit 104? A. Yes. Q. And the advertisement just had a Rastafarian, not the one in the studio, is that right? MS. BART: Objection, form. MR. HAYES: Objection, form. A. It had that same painting in the ad, yes.

1 McDonald 2 to hear the question back. I'm not sure 3 there was one. 3 the ad didn't say Richard Prince and only 4 MR. BROOKS: There was. 5 Can you read the question back, 6 please. 6 MS. BART: We'll take it under 7 (Record read.) 7 (Record read.) 8 MS. BART: Object to form. 9 Q. You can answer. 10 A. I don't remember. I don't remember. 11 Q. Does it look like what was used in 12 the ads 13 MS. BART: Objection. 14 Q as you've been describing it? 15 MS. BART: Objection, form. 16 MS. BART: Objection, form. 17 MS. BART: Objection, form. 18 MS. BART: We'll take it under 19 advisement. 10 MR. BROOKS: Well, I'm certainly 11 entitled to know what images were used in 12 the inhibitory in the newspaper and magazine ads. 13 If this witness can't I mean I 14 this is exactly what was used since there 15 MS. BART: Objection. 16 MS. BART: Objection, form. 17 MS. BART: Objection, form. 18 SPOOKS: Well, that's not 19 MR. HAYES: Objection, form. 10 MS. BART: The witness isn't here to 11 WR. BROOKS: Well, that's how it was 12 Produced to me by you. So that's the best		Page 50		Page 52
2 A. The Art Forum, Art in America, Art 3 and Auction. 4 Q. They had a painting, a picture of 5 the same painting? 6 A. Yes. 7 Q. But the New York Times didn't? 8 MS. BART: Objection, form, and 9 asked and answered. 9 A. No image was in the New York Times. 11 MS. BART: Third time. 12 A. No image was in the New York Times. 13 Q. What about the Financial Times? 14 A. No. 15 Q. I'm going to show you a document 16 which has previously been marked as Exhibit 52. 17 Is that the image that was used in 18 some of the ads anyway? 19 MS. BART: Can we just have one of 10 the extras that you have there, please? 20 MR. BROOKS: You do? 21 I think John necds one, right? 22 MR. BROOKS: You do? 23 MR. SHERMAN: Yes. 24 A. I don't 25 MS. BART: Just one minute. I want 26 Pages 1 27 MCDonald 28 MS. BART: Objection back, please. 29 Q. You can answer. 20 MS. BART: Objection, form. 30 MS. BART: Objection, form. 41 MS. BART: Objection, form. 42 MS. BART: Objection, form. 43 MS. BART: Objection, form. 44 MS. BART: He witness sin't here to 45 MS. BART: Well take it under advisement. 46 MS. BART: Objection, form. 47 MS. BART: Objection, form. 48 MS. BART: Objection, form. 49 MS. BART: Objection, form. 40 MS. BART: Objection, form. 41 MS. BART: Well take it under advisement. 42 MS. BART: Well take it under advisement. 43 MS. BART: Objection, form. 44 MS. BART: Objection, form. 45 MS. BART: Well take it under advisement. 46 MS. BART: Well take it under advisement. 47 MS. BART: Well take it under advisement. 48 MS. BART: Objection, form. 49 MS. BART: Objection, form. 40 MS. BART: Objection, form. 41 MS. BART: Well take it under advisement. 41 MS. BART: Well take it under advisement. 42 MR. BROOKS: Well, lim certainly entitled to know what images were used in the advisement. 44 MR. BROOKS: Well, this in the financial Times? 45 MS. BART: Well value and what images were used in the advisement. 46 MR. BROOKS: Well, three times are a paint tass, if snot in the financial Times? 47 MS. BART: Well value and what was used in the nitrety. 48 MS. BA	1	McDonald	1 1	McDonald
and Auction.  Q. They had a painting, a picture of the same painting?  A. Yes.  Q. But the New York Times didn't?  MS. BART: Objection, form, and asaked and answered.  Q. Is that what you're saying?  MS. BART: Third time.  12 A. No image was in the New York Times.  13 Q. What about the Financial Times?  14 A. No.  15 Q. Ir ngoing to show you a document which has previously been marked as Exhibit 52.  16 Which has previously been marked as Exhibit 52.  17 Is that the image that was used in the ads in subject to the ads anyway?  18 some of the ads anyway?  19 MS. BART: Can we just have one of the same painting, and I know what you're asking me, are you talking about the entirety that includes the title that says Richard Prince at the top, or are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cutout in the middle, in other words, are you talking about the cuticity?  18 MS. BART: Just one minute. I want  29 MR. BROOKS: You do?  20 MR. BROOKS: You do?  21 McDonald  22 to the cartas that you have there, please?  23 MR. BROOKS: There was.  24 A. I don't —  25 MS. BART: Just one minute. I want  26 MR. BROOKS: There was.  27 (Record read.)  28 MS. BART: Object to form.  29 Q. You can answer.  20 MS. BART: Object to form.  30 MS. BART: Object to form.  41 Q. — as you've been describing it?  4			1	
4   Q. They had a painting, a picture of 5 the same painting?   5 the same painting?   6 A. Yes.   6	1		1	
the same painting?  6 A. Yes.  9 But the New York Times didn't?  9 Asked and answered.  10 Q. Is that what you're saying?  11 A. No image was in the New York Times.  12 A. No image was in the New York Times.  13 Q. What about the Financial Times?  14 A. No.  15 Q. I'm going to show you a document  16 Which has previously been marked as Exhibit 52.  17 Is that the image that was used in  18 some of the ads anyway?  19 MS. BART: Can we just have one of  10 the extras that you have there, please?  21 I think John needs one, right?  22 MR. BROOKS: You do?  23 MR. SHERMAN: Yes.  24 A. I don't -  25 MS. BART: Just one minute. I want  Page 51  1 McDonald  2 to hear the question back. I'm not sure  4 MR. BROOKS: There was.  4 MR. BROOKS: There was.  5 Can you read the question back,  6 please.  6 (Record read.)  7 (Record read.)  8 MS. BART: Object to form.  9 Q. You can answer.  10 MS. BART: Objection.  11 Q. Does it look like what was used in  12 MS. BART: Objection.  13 MS. BART: Objection.  14 MS. BART: Objection.  15 MS. BART: The witness isn't here to  16 MS. BART: Objection, form.  17 MS. BART: Objection, form.  18 MS. BART: Objection, form.  19 MS. BART: Objection, form.  10 MS. BART: The witness isn't here to  11 MS. BART: Well take it under advisement.  12 MS. BART: Objection, form.  13 MS. BART: Objection, form.  14 MS. BART: Objection, form.  15 MS. BART: Objection, form.  16 MS. BART: The witness isn't here to  17 MS. BART: Well take best was used in the add in the about the entirety was produced to me by you odn't know because it's cut off at the bottom, so —  18 MS. BART: Objection, form.  19 MS. BART: Objection, form.  10 MS. BART: Objection, form.  11 MS. BART: Objection, form.  12 MS. BART: The witness isn't here to  13 MS. BART: The witness isn't here to  14 MS. BART: Well take it under advisement.  15 MS. BART: Well take it under advisement.  16 MS. BART: Well, this is now it was produced to me by you.  17 Ms. BROOKS: Well, I'm certainly entitled to know what images were used in the newspaper and ma	1		1	
6 Exhibit 52 is the image that was used in the ads in Art Forum, Art in America, Art and Auction, the Art Newspaper, and W. MS. BART: Objection, form, and a saked and answered.  9 A. No image was in the New York Times. 11 A. No. 20 What about the Financial Times? 12 A. No image was in the New York Times. 13 Q. What about the Financial Times? 14 A. No. 25 Im going to show you a document of which has previously been marked as Exhibit 52. 16 which has previously been marked as Exhibit 52. 17 Is that the image that was used in the extras that you have there, please? 18 MR. BROOKS: You do? 29 MR. SHERMAN: Yes. 21 It hink John needs one, right? 21 It hink John needs one, right? 22 MR. BROOKS: You do? 23 MR. SHERMAN: Yes. 24 A. I don't 25 MS. BART: Just one minute. I want 25 MS. BART: Just one minute. I want 26 MR. BROOKS: There was. 27 MS. BART: Object to form. 28 MS. BART: Object ton. 39 Q. You can answer. 30 MS. BART: Objection. 31 MS. BART: Objection, form. 31 MS. BART: Objection, form. 31 MS. BART: Objection, form. 32 MR. HAYES: Objection, form. 33 MS. BART: The witness isn't here to speculate. 34 MR. BROOKS: Well, this is how it was produced to me by you. 39 MR. BROOKS: The entirety. 30 MR. BROOKS: There was. 41 MR. BROOKS: There was. 42 MR. BROOKS: There was. 43 MR. BROOKS: There was. 44 MR. BROOKS: There was. 45 Can you read the question back, please. 46 MS. BART: Object to form. 47 MS. BART: Objection, form. 48 MS. BART: Objection, form. 49 Q. You can answer. 40 MS. BART: The witness isn't here to speculate. 40 MS. BART: The witness isn't here to speculate. 41 MR. BROOKS: Well, that's how it was produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. 4 MR. BROOKS: Well, I'm certainly in the fine indele or are you talking about the entirety.  4 MR. BROOKS: The entirety. 5 MR. BROOKS: Well, I'	5		ì	
7   Q. But the New York Times didn't?   8   MS. BART: Objection, form, and 9   9   asked and answered.   9   9   asked and answered.   9   10   MS. BART: Third time.   11   MS. BART: Third time.   12   A. No image was in the New York Times.   12   A. No image was in the New York Times.   13   4   A. No.   15   Q. What about the Financial Times?   14   A. No.   15   Q. I'm going to show you a document   15   Which has previously been marked as Exhibit 52.   16   middle, in other words, are you talking about the cutout in the middle or are you talking about the cutout			i	
8	7			
9   MS. BART: We'll take it under advisement.   10   MS. BART: Third time.   11   But just so that I understand I know what you're asking me, are you talking about the entirety that includes the title that says Richard Prince at the top, or are you talking about the entirety that includes the title that says Richard Prince at the top, or are you talking about the cutout in the middle, in other words, are you talking about the entirety?   16 middle, in other words, are you talking about the entirety?   17 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   18 middle, in other words, are you talking about the entirety?   19 middle, in other words, are you talking about the entirety?   19 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking about the entirety?   10 middle, in other words, are you talking	8	•	1	•
10   Q. Is that what you're saying?   10   MS. BART: Third time.   11   But just so that I understand I know   12   What about the Financial Times?   13   about the entirety that includes the title   that says Richard Prince at the top, or   14   that says Richard Prince at the top, or   15   Q. I'm going to show you a document   16   which has previously been marked as Exhibit 52.   16   middle, in other words, are you talking about the entirety?   16   middle, in other words, are you talking about the entirety?   17   arout alking about the entirety?   18   I don't know what you're asking.   17   about the entirety?   18   I don't know what you're asking.   19   MS. BART: Can we just have one of   19   MR. BROOKS: Well, this is how it   19   MR. BROOKS: You do?   19   MR. BROOKS: Well, this is how it   19   MR. BROOKS: You do?   22   MR. BROOKS: You do?   23   MR. BROOKS: You do?   24   A. I don't —   24   A. I don't —   24   Ms. BART: Just one minute. I want   25   MR. BROOKS: There was one.   3   the ad didn't say Richard Prince at he top, or   3   about the entirety?   19   MR. BROOKS: There was one.   20   MR. BROOKS: There was one.   3   Mr. BROOKS: The entirety.   Page   11   McDonald   MR. BROOKS: The entirety.   Page   12   MR. BROOKS: The entirety.   Page   13   Ms. BART: Object to form.   14   Ms. BART: Object to form.   15   Ms. BART: Objection, form.   16   Ms. BART: The witness isn't here to   17   speculate.   19   Poduced to me by you. So that's the best   19   produced to me by you. So that's the best   19   produced to me by you. So that's the best   19   produced to me by you.   20   wat laking about the entirety   20   wat laking about the entirety?   21   Ms. BART: Well, you don't know   22   Ms. BART: Well, you don't know   23   middle, in other words, are you talking about the entirety?   22   Ms. BART: Well, you don't know   23   middle, in other words, are you talking about the entir	9		1	
11				
12	11		1	
13   Q. What about the Financial Times?   13   about the entirety that includes the title   14   A. No.   14   A. No.   15   Q. I'm going to show you a document   15   are you talking about the cutout in the   middle, in other words, are you talking about the cutout in the   middle, in other words, are you talking about the entirety?   18   I don't know what you're asking.   17   I don't know what you're asking.   18   I don't know what you're asking.   18   I don't know what you're asking.   19   MS. BART: Can we just have one of   19   MR. BROOKS: Well, this is how it   was produced to me by you.   18   I don't know what you're asking.   19   MS. BART: That's irrelevant.   You're asking us for a stipulation,   22   You're asking us for a stipulation,   23   Mr. Brooks, and I'm asking you, are you saying just the thing in the middle or are you talking about the entirety.   Page   1   McDonald   1   McDona	12		1	
14	13		1	
15 Q. I'm going to show you a document which has previously been marked as Exhibit 52. Is that the image that was used in some of the ads anyway? 18 Idon't know what you're asking.  19 MS. BART: Can we just have one of the extras that you have there, please? 20 It hink John needs one, right? 21 It hink John needs one, right? 21 MR. BROOKS: You do? 22 MR. BROOKS: You do? 23 MR. SHERMAN: Yes. 23 Mr. Brooks, and I'm asking you, are you saying just the thing in the middle or are you talking about the entirety? Idon't know what you're asking. MR. BROOKS: Well, this is how it was produced to me by you. MS. BART: That's irrelevant. You're asking us for a stipulation, Mr. Brooks, and I'm asking you, are you saying just the thing in the middle or are you talking about the entirety  Page 51 MS. BART: Just one minute. I want 25 Won't asking us for a stipulation, Mr. Brooks, and I'm asking you, are you saying just the thing in the middle or are you talking about the entirety  Page 51 Mr. BROOKS: The entirety. But if there was one. 3 there was one. 3 there was one. 3 there was one. 3 there was one. 4 MR. BROOKS: There was. 5 Can you read the question back, please. 6 MR. BROOKS: The entirety. But if the add didn't say Richard Prince and only add the image, then you can tell me that. I just want to find out. MS. BART: We'll take it under advisement. MR. BROOKS: Well, I'm certainly entitled to know what images were used in the newspaper and magazine ads. If this witness can't - I mean I think it's clear from her testimony that this is exactly what was used since there are no paint cans, it's not in the studio, it's the same painting. If it's not - MR. BROOKS: Well, that's how it was produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced to me by you. So that's the best produced	14		I	
16   which has previously been marked as Exhibit 52.   16   Is that the image that was used in   17   Is that the image that was used in   17   Is some of the ads anyway?   18   I don't know what you're asking.   MR. BROOKS: Well, this is how it   was produced to me by you.   MR. BROOKS: Would have there, please?   20   MR. BROOKS: Well, this is how it   was produced to me by you.   MR. BROOKS: You do?   21   MR. BROOKS: You do?   22   MR. BROOKS: You do?   22   MR. BROOKS: You do?   23   MR. SHERMAN: Yes.   23   Mr. Brooks, and I'm asking you, are you   saying just the thing in the middle or are   you talking about the entirety   Page   51   Page   51    1	15		1	
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18 some of the ads anyway? 19 MS. BART: Can we just have one of the extras that you have there, please? 20 the extras that you have there, please? 21 I think John needs one, right? 22 MR. BROOKS: You do? 23 MR. SHERMAN: Yes. 24 A. I don't 25 MS. BART: Just one minute. I want 25 MS. BART: Just one minute. I want 26 to hear the question back. I'm not sure 37 there was one. 48 MR. BROOKS: There was. 59 Can you read the question back, please. 61 (Record read.) 62 MS. BART: Object to form. 63 MS. BART: Object ton. 64 MS. BART: Objection. 65 MS. BART: Objection. 66 MS. BART: Objection. 67 MS. BART: Objection. 68 MS. BART: Objection, form. 69 Q. You can answer. 70 MS. BART: Objection, form. 71 MS. BART: Objection, form. 71 MS. BART: The witness isn't here to speculate. 71 MS. BART: Well, you don't know was produced to me by you. 72 MR. BROOKS: Well, this is is how it was produced to me by you. 74 MS. BART: Well, you don't know was produced to me by you. 75 MR. BROOKS: Well, this is is how it was produced to me by you. 76 MS. BART: Well take it under advisement. 77 MS. BART: Objection, form. 78 MS. BART: Objection, form. 89 MS. BART: Objection, form. 80 MS. BART: Objection, form. 81 MS. BART: Well, you don't know because it's cut off at the bottom, so 80 MR. BROOKS: Well, this is exactly what was used in the newspaper and magazine ads. 80 MS. BART: Well, you don't know because it's cut off at the bottom, so 80 MR. BROOKS: Well, this is exactly what was used in the newspaper and magazine ads. 81 MS. BART: Well was used since there 81 MS. BART: Well, you don't know because it's cut off at the bottom, so 81 Speculate. 82 MR. BROOKS: Well, that's how it was produced to me by you. So that's the best	17		I	
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19 Q. You can answer. 19 produced to me by you. So that's the best	18			
	19		19	
20 12. It's the same type. I don't know [20] I dail do, I iii Soity.	20	A. It's the same type. I don't know	20	I can do, I'm sorry.
21 I don't remember this. 21 MS. BART: No, this is how it was	21			
22 RQ MR. BROOKS: Okay. If the witness 22 originally made. We didn't cut anything	22	RQ MR. BROOKS: Okay. If the witness		
doesn't know I'm going to request that 23 off, Mr. Brooks.	23		23	
Gagosian tell us whether Exhibit 52 is the 24 MR. BROOKS: Well, okay.	24		24	·
image that was used in newspaper and 25 MS. BART: We'll take your request	25	=		· · · · · · · · · · · · · · · · · · ·

1	Dago E4	1	
1	Page 54 McDonald		Page 56
2	under advisement.	1	McDonald
3		2	marked as 53A, so it's two exhibits.
1	BY MR. BROOKS:	3	Could you look at the
4	Q. Can you take a look at the Canal	4	MS. BART: Just give her a second to
5	Zone book again, please, and look at page	5	look at it.
6	C00122.	6	(Witness looks at exhibit.)
7	(Witness looks at exhibit.)	7	Q. Okay. Look at the second page,
8	Q. C122 is a painting called	8	GG002763. Did you receive a copy of the e-mail
9	Meditation, correct?	9	on the top from Jessica Arisohn?
10	A. Yes.	10	A. Yes.
11	Q. It's painting number 6 in the book?	11	Q. This wife is bestear in Bollin.
12	A. Yes.	12	A. A gallery assistant.
13	Q. Is that painting the same image as	13	Q. At the Gagosian Gallery?
14	in Exhibit 52 in the document that I've been	14	A. Yes.
15	asking whether or not that's a newspaper ad	15	Q. And who is Andie Trainer who wrote
16 17	a magazine ad?	16	the e-mail beneath the first one in the chain?
1	MS. BART: Objection, form.	17	A. A gallery receptionist.
18	Q. You can answer.	18	Q. Do you know Ryan from Rare Posters?
19	A. Yes, same painting.	19	A. Know him? No.
20	Q. And it has no paint cans, right,	20	Q. Do you know who he is?
21	it's not from the studio, correct?	21	A. Sure, yeah.
	MS. BART: Objection, form.	22	Q. Who is he?
23	Q. You can answer.	23	A. He's someone who buys posters in
24	A. Yes.	24	bulk from us occasionally.
25	MR. HAYES: Objection, form.	25	Q. Do you see she said in the e-mail
	Page 55		Page 57
1	McDonald	1	Page 57 McDonald
1 2		1 2	McDonald
	McDonald	l	McDonald but somehow it doesn't seem right for him to be
2	McDonald MS. BART: I'll instruct the witness	2	McDonald
2 3	McDonald MS. BART: I'll instruct the witness not to speculate.	2	McDonald but somehow it doesn't seem right for him to be selling, capital letters, our invitations, do
2 3 4 5 6	McDonald MS. BART: I'll instruct the witness not to speculate. MR. BROOKS: She already answered	2 3 4	McDonald but somehow it doesn't seem right for him to be selling, capital letters, our invitations, do you see that?  A. Yes.
2 3 4 5	McDonald MS. BART: I'll instruct the witness not to speculate. MR. BROOKS: She already answered yes. You're saying it's speculating when I ask her if there are paint cans there?	2 3 4 5	McDonald but somehow it doesn't seem right for him to be selling, capital letters, our invitations, do you see that?  A. Yes. Q. Did you get involved in the question
2 3 4 5 6	McDonald MS. BART: I'll instruct the witness not to speculate. MR. BROOKS: She already answered yes. You're saying it's speculating when I ask her if there are paint cans there?	2 3 4 5 6	McDonald but somehow it doesn't seem right for him to be selling, capital letters, our invitations, do you see that?  A. Yes. Q. Did you get involved in the question of whether invitations should be given to Ryan?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	McDonald MS. BART: I'll instruct the witness not to speculate. MR. BROOKS: She already answered yes. You're saying it's speculating when I ask her if there are paint cans there? MS. BART: Well, what I'm saying to you is that MR. BROOKS: Well, never mind. She answered. MS. BART: Richard Prince is the best person to ask these questions of, not a witness who didn't create these works of art. MR. BROOKS: Okay. BY MR. BROOKS: Q. With respect to these announcement cards, do you know if at the end of the show, the exhibition, you had leftover cards, announcement cards? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	McDonald but somehow it doesn't seem right for him to be selling, capital letters, our invitations, do you see that?  A. Yes. Q. Did you get involved in the question of whether invitations should be given to Ryan?  MS. BART: Objection, form.  A. He normally sells posters. Q. Right. Okay.  Let's look at the next page.  Jessica Arisohn, now she's given his name, Ryan Dowler wants Prince Canal Zone, do you see that, it's the second e-mail?  A. Yes. Q. Andie says we have three extra boxes left, and that was addressed that e-mail was addressed to you as well, correct?  A. Yes. Q. And then Nicole Heck wrote to you and Jessica Arisohn and Darlina Goldak, Shouldn't we get a percentage of the sale if he

	Page 58		Page 60
1	McDonald	1	McDonald
2	Q. Did you agree with that?	2	saying, your understanding was he wanted to sell
3	MS. BART: Objection, form.	3	the actual announcement cards, not make them
4	Q. You can answer.	4	into posters, is that right?
5	A. I thought we should be reimbursed	5	A. Yes.
6	for what we paid to make them.	6	Q. Okay. If I asked this before, I
7	Q. Reimbursed by Ryan's company?	7	apologize, but were these announcement cards
8	A. Yeah, instead of recycling.	8	sold to Ryan?
9	Q. Instead of?	9	MS. BART: Objection, form.
10	A. Recycling the extra invitations.	10	Q. If you know?
11	Q. And if you look at the next page	111	MS. BART: And asked and answered.
12	2766, GG actually, let's stick with the GGP,	12	
13	GGP003063, you wrote an e-mail saying we should	13	Q. Okay. Did I ask you that before?
14	sell them to him, correct?	14	
15	A. Yes.	15	Q. And what did you say before?
16	Q. And what was your reasoning for	16	A. I don't know.
17	that?	17	Q. Okay. All right. It wasn't a trick
18	A. They would have been recycled or	18	question. I don't remember it.
19	discarded otherwise.	19	MS. BART: You never know with
20	Q. Why not just give them to him?	20	Mr. Brooks.
21	MS. BART: Objection, form.	21	Q. So you don't know if they were
22	Q. You can answer.	22	sold
23	A. I just thought we should get	23	A. No.
24	reimbursed for what we had spent to make them.	24	Q to him? Okay.
25	Q. And did you sell these materials to	25	MS. BART: Objection.
	Page 59		Page 61
1	McDonald	1	McDonald
2	him, do you know?	2	Q. Do you know Glenn O'Brien?
3	A. I don't know.	3	A. Barely, yes.
4	Q. And in these e-mails there's a	4	Q. Who is he?
5	reference to invitations, right?	5	A. He worked with Andy Warhol.
6	Was that a reference to Exhibit 103,	6	I believe he was involved in Interview Magazine.
7	which is the invitation you had printed, or to	7	I don't know him very well.
8	104, which is the announcement, what we've been	8	MR. BROOKS: Did you get that,
9	calling the announcement card?	9	Interview, Interview Magazine?
10	A. The announcement card.	10	(Discussion off the record.)
11	Q. 104?	11	BY MR. BROOKS:
12	A. Yes.	12	Q. I'm going to hand you a document
13	Q. That's what Ryan wanted, correct?	13	that's previously been marked as Plaintiff's
14	A. Yes.	14	Exhibit 29.
15	Q. To make posters?	15	If you look at the first page of
16	MS. BART: Objection, form.	16	Exhibit 29, GGP001421, there appears to be at
17	MR. HAYES: Objection, form.	17	the bottom an e-mail from Glenn O'Brien to Betsy
18	A. No, he wasn't making posters.	18	Biscone at the Prince studio asking for some
19	Q. What was he doing?	19	images for the interview, do you see that?
20	A. Selling the cards I think.	20	A. Yes.
21	Q. Selling the cards? I see.	21	Q. Correct?
22	It's just that on the first page	22	A. Yes.
	okay, I hear what you're saying.	23	Q. And did you become aware that
24	On the first page of Exhibit 53 it	24	Mr. O'Brien wanted some images for Interview
	says Ryan from Rare Posters okay, so you're	25	Magazine?
Water 190		Jacobski i i	

	Page 9	0	Page 9
1	McDonald	1	McDonald
2	MR. HAYES: Objection, form.	2	1 m artist tille asos materials mat
3	A. No.	3	
4 _	Q. The cover of pulp fiction novels?	4	
5	MR. HAYES: Objection, form.	5	
6	MS. BART: Join.	6	him, materials created by others, right?
7	A. Sometimes, I think, yes.	7	MS. BART: Objection, form.
8	Q. Were you familiar with his painting	8	MR. HAYES: Objection, form.
	Spiritual America?	9	A. Other painters, other magazines.
10	MR. HAYES: Objection, form.	10	
11	A. Is that a painting?	11	
12	Q. It's a rephotograph of a picture of	12	MR. HAYES: Objection, form.
13 E	Brooke Shields when she was ten years old?	13	Q. You can answer.
14	A. I think it's a photograph, yes.	14	C Sur Carro II CI.
15	Q. And were you aware that Mr. Prince	15	
16 r	ephotographed that photograph that some other	16	c = j personanj do dnymnig to
17 p	hotographer had taken?	17	Canal Zone paintings were taken from copyrighted
18	MS. BART: Objection, form.	18	material?
19	MR. HAYES: Form.	19	
20	Q. You can answer.	20	and the second s
21	A. That photograph I'm familiar with	21	
22 re	ecently.	22	A. No.
23	Q. Do you know how long Gagosian	23	Q. Do you know if anyone at Gagosian
24 G	fallery has represented Mr. Prince?	24	Gallery did that?
25	A. I don't know.	25	MS. BART: Objection, form.
	Domo 01	+-	
-	Page 91	-	Page 93
1	McDonald	1	McDonald
2	Q. Were you aware that Mr. Prince had a	2	Q. You can answer.
3 re	etrospective at the Guggenheim Museum in late	3	A. I don't know.
	007?	4	Q. Did you ever try to find out I
5	A. Yes.	5	know you didn't ask him you said already, but
6 7	Q. Did you go to it?	6	did you ever try to find out where the images in
_	A. No.	7	these Canal Zone paintings, specifically the
8 0 <b>th</b>	Q. Did Gagosian represent Mr. Prince at	8	Rastafarian images, came from?
9 th	at time?	9	MS. BART: Objection, form.
11	A. I don't know.	10	MR. HAYES: Objection, form.
	Q. Did you know in 2008 that Mr. Prince	11	Q. You can answer.
12 h	d a practice of appropriating images created	12	A. No.
13 by	others and including those images in his ork?	13	Q. To your knowledge did anyone at
		14	Gagosian Gallery make an attempt to find out
15	MS. BART: Objection, form.	15	where the Rastafarian images came from?
16	MR. HAYES: Form.	16	MS. BART: Objection, form.
17	Q. You can answer.	17	MR. HAYES: Objection, form.
18	A. Can you say it again?	18	Q. You can answer.
19	Q. He'll read it again.	19	A. I don't know.
20	(Record read.)	20	MR. BROOKS: Let's take five minutes
21	A. I knew he was an appropriation	21	and I might be finished. I want to look
	ist, yes.	22	at my notes.
23	Q. Well, how do you define an	23	MS. BART: Okay.
	propriation artist?	24	(Recess taken: 3:40 p.m.)
25	MR. HAYES: Objection, form.	25	(Proceedings resumed: 3:48 p.m.)
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